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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,103	10/09/2003	Dehou Fei		8125
7590	06/20/2005			EXAMINER
Dehou Fei				PAK, JOHN D
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3736 10th Ave.				
New York, NY 10034				
			ART UNIT	PAPER NUMBER
			1616	

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/681,103	FEI ET AL.
Examiner	Art Unit	
JOHN PAK	1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) 1-4 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

Claims 1-4 are pending in this application.

**Applicant is advised that a patent claim in U.S. practice must contain only 1 sentence.** All of applicant's claims contain many sentences. This is improper.

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1, drawn to a liquid additive and a supplementary health pill, classified in multiple subclasses in classes 424 and 514, depending on the chemical structure of the component ingredients.

- II. Claim 2, drawn to "Reducing toxicity on a broader scale and by a larger margin: The liquid additive will reduce the toxicity in tobacco smoke such as nicotine, tar," classified in multiple subclasses in classes 424 and 514, depending on the chemical structure of the component ingredients.
- III. Claim 3, drawn to "Preventing more diseases and strengthening health more effectively: This health pill ..." It is noted that myriad diseases such as cancer, cardiovascular diseases and respiratory diseases are encompassed herein. This invention is classified in multiple subclasses in classes 424 and 514, depending on the chemical structure of the component ingredients.
- IV. Claim 4, drawn to "Eliminating addition safely and effectively," classified in multiple subclasses in classes 424 and 514, depending on the chemical structure of the component ingredients.

The four inventions as set forth above are distinct, each from the others, because they are each directed to divergent compositions or methods, with different combination of composition components.

The search for more than one invention group would place an undue burden on the Examiner if the restriction requirement were not made, because each invention is directed to the distinct combination of multiple substances, many of which are

unspecified in the present claim form, the search for which would not be coextensive with search for the other inventions.

For the reasons of distinctness and undue burden, the restriction requirement as set forth above is deemed to be proper.

A telephone call was made to Mr. Fei on 6/16/2005 to request an oral election to the above restriction requirement, but did not result in an election being made. Mr. Fei's answering machine (at 212-567-2713) indicated that the recording tape was full and could not take any more messages.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

For pro se applicant, the Examiner offers the following 3 recommendations.

(1) Elect one invention, and cancel claims directed to non-elected invention.

Example: Elect Group II. Cancel claims 1 and 3-4.

(2) For example purposes, if Group II were elected, then cancel claim 2 and resubmit it as a new claim – claim 2 is currently in such improper form that it cannot be easily amended.

Example: Elect Group II. Cancel claims 1-4. Submit new claim 5.

Claim 5. (New) A composition for reducing toxicity in tobacco smoke, including nicotine, tar, carbon monoxide, nitric oxide compound, hydrocyanic acid, cadmium, mercury, arsenic and nitrosamine, wherein for 100 grams of tobacco, the composition comprises:

0.7-15 ml Polysorbate 80;  
50-100 ml Hot water at 55 to 50°C;  
7-134 mg Cerium dioxide;  
0.2-10 ml Sulfuric acid, 5 to 20 % V/V;  
0.4-8 mg Selenium dioxide;  
0.1-4 g  $\beta$ -Cyclodextrin;  
30-600 ml Hydrogen peroxide, 3% or 6%;  
15-150 mg Potassium permanganate;  
45-400 mg Cupric sulfate ;  
20-270 mg Cupric oxide; and  
10-100 mg Activated manganese dioxide.

(3) The specification cannot have an "Appendix." It is either a part of the specification or it isn't. The appendix pages that are numbered as part of the specification, pages 19, 20, 21 and 22 are OK, because their page numberings indicate specification content.

However, those appendix pages that are not numbered (the four pages that make up Appendix 2), and in particular those pages in the Chinese language, must be deleted. If appropriate, applicant may add the content of those pages as new specification pages numbered 23, etc. Applicant should review 37 CFR 1.121 for rules on amending the claims and specification.

Alternatively, applicant may wish to provide instructions to cancel the two pages that are in the Chinese language. Then provide amendments of the <sup>four</sup> ~~last~~ <sup>^</sup> pages of the specification, with the pages numbered 20, 21, 22 and 24, respectively.

Applicant is advised that the above examples that the Examiner has provided is not an indication of patentability. It is merely an example of how applicant may proceed to correct the claim language and specification problems and fully respond to this Restriction requirement.

The Examiner acknowledges the receipt of applicant's foreign priority document. The Examiner notes however that the foreign priority document consists of only one

page. If there are more pages to this document, applicant is requested to provide another full copy of this document.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is **(571)272-0620**. The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Gary Kunz, can be reached on **(571)272-0887**.

The fax phone number for the organization where this application or proceeding is assigned is **(571)273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOHN PAK  
PRIMARY EXAMINER  
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